

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL SOMERS,
Plaintiff,

v.

DIGITAL REALTY TRUST INC, et al.,
Defendants.

Case No. 14-cv-05180-EMC (KAW)

**ORDER DENYING REQUEST FOR
EXTENSION OF TIME**

Re: Dkt. No. 306

On April 11, 2018, Plaintiff Paul Somers filed a letter stating that his reply in support of his motion for recusal had been lost due to technological issues. (Dkt. No. 300 at 1.) Plaintiff stated that he would file his reply as soon as he could recover the document. (*Id.*) On April 16, 2018, the Court extended Plaintiff's filing deadline to April 18, 2018 at 12:00 p.m. (Dkt. No. 303 at 1.)

On April 18, 2018, Plaintiff filed a letter stating that the extension of time was insufficient because he was unavailable the prior day, and that he was "sifting through thousands of entries from StatCounter which are providing important bits of information which must be brought forward in the interest of justice." (Dkt. No. 306 at 1.) Plaintiff stated that he would need until 4:00 p.m. to file a partial reply. (*Id.*) Plaintiff also argued that the undersigned could not decide the recusal motion because "a random judge must decide on the motion," and that future hearings should be put on hold. (*Id.*)

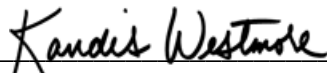
The Court DENIES Plaintiff's request for a further extension of time. Plaintiff's reply was due on April 10, 2018. The Court granted Plaintiff's request for an extension based on his representation that the reply "went missing [on April 10, 2018] when Microsoft Word suddenly closed without warning," and that he "w[ould] file [his] reply as soon as [he] could recover the

document or build a new." (Dkt. No. 300 at 1.) Plaintiff never suggested that he needed additional time to conduct further research; instead, his request was based solely on the technological issue. Plaintiff has already been granted an additional week to file his reply, and the Court concludes that Plaintiff has failed to show good cause for any further extension.

To the extent Plaintiff requests that the April 19, 2019 hearing not go forward, the request is DENIED. While Plaintiff argues that "a random judge must decide" the recusal motion, Plaintiff is mistaken. Plaintiff sought the undersigned's recusal per 28 U.S.C. § 455(a) and (b). (Plf.'s Mot. to Recuse at 1, Dkt. No. 288.) 28 U.S.C. § 455, however, "includes no provision for referral of the question of recusal to another judge" *United States v. Sibra*, 624 F.2d 864, 868 (9th Cir. 1980). The hearing will go forward on April 19, 2018 at 1:30 p.m., as scheduled.

IT IS SO ORDERED.

Dated: April 18, 2018


KANDIS A. WESTMORE
United States Magistrate Judge